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# APPENDIX F

## JUDICIAL COUNCIL CONSERVATORSHIP FORMS

### 1. Judicial Council Forms

The Judicial Council of California has adopted standard legal forms that should be used in all conservatorships. You are probably already familiar with some of them. You were named in a Petition for Appointment of Probate Conservator. This means that you were probably also a petitioner, who prepared, or whose lawyer prepared, the petition that you signed. If you did not petition for your appointment as conservator, you signed a statement attached to the petition of someone else in which you consented to be appointed. The judge signed an order appointing you as conservator. The petition and several of the supporting documents attached to it, and the court's order, were prepared using Judicial Council forms.

As conservator, you will use additional Judicial Council forms for your Inventory and Appraisal and, if necessary, to notify the court of your conservatee's change of address or telephone number. Financial and other institutions will use Judicial Council forms to advise the court that accounts under their control have been changed or newly opened to reflect the conservatorship. There are other examples as well.

This appendix contains copies of some of the Judicial Council forms that you may need to use following your appointment. Most of them are **mandatory**. This means that you must use them whenever they apply. Other forms are not mandatory, but you may use them if you choose. You can tell whether or not a form is mandatory by looking at the lower left corner of the form, below the horizontal line. Every mandatory form will state in its lower left corner that it is mandatory as of a certain date, or that it was "adopted for mandatory use." Nonmandatory forms will say that they were "approved by the Judicial Council of California."

The Judicial Council forms in this appendix are current as of the date this handbook was published. However, new forms may be adopted from time to time, and all of them may be revised as needed. You must check to determine whether any new forms that address your situation have been adopted or approved, and that the form you want to use is the latest version. The effective date of each form appears in the form's lower left corner. The court clerk keeps a list of the effective dates of the latest versions of all forms. The next section explains how you may obtain the latest forms.

## 2. Obtaining Judicial Council Forms

Your lawyer will provide the Judicial Council forms you need. He or she gets them from the court clerk, from the Internet in the manner described in this appendix, or from a computer program form subscription service.

If you aren't represented by a lawyer, you may obtain originals of all Judicial Council forms from the court clerk. You may photocopy original forms purchased in this way and use the copies. Judicial Council forms are also available on the Internet. If you have access to a computer connected to the Internet, you can get the latest forms by going to the California courts' Web site at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms). To locate a particular conservatorship form, select the "Probate—Guardianships and Conservatorships" form group or, for forms identified below with an "MC," the "Miscellaneous" form group, and scroll down to the form you need. You can print the blank form and fill it out by typewriter. The forms on the Web site presently cannot be filled in online, but in the future this feature may become available. Mandatory forms are identified in the scroll-down lists by an asterisk.

Judicial Council forms are also available from several publishers in print or in electronic formats. Information about publishers is available at the California Court's Web site. The Judicial Council neither endorses the publisher's products nor represents that their forms are accurate.

## 3. Conservatorship Forms

Judicial Council forms for use in conservatorships following appointment of a conservator are listed here. Copies of each of these forms in effect as of July 1, 2002, are attached to this appendix.

## CONSERVATORSHIP FORMS

Form	Description
GC-020	<i>Notice of Hearing—Guardianship or Conservatorship</i>
GC-040	<i>Inventory and Appraisal</i>
GC-041	<i>Inventory and Appraisal Attachment</i>
GC-050	<i>Notice of Taking Possession or Control of an Asset of Minor or Conservatee</i>
GC-051	<i>Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe Deposit Box</i>
GC-060	<i>Report of Sale and Petition for Order Confirming Sale of Real Property</i>
GC-065	<i>Order Confirming Sale of Real Property</i>
GC-070	<i>Ex Parte Petition for Authority to Sell Securities and Order</i>
GC-075	<i>Ex Parte Petition for Approval of Sale of Personal Property and Order</i>
GC-080	<i>Change of Residence Notice</i>
GC-085	<i>Petition to Fix Residence Outside the State of California</i>
GC-090	<i>Order Fixing Residence Outside the State of California</i>
GC-150	<i>Letters of Temporary Guardianship or Conservatorship</i>
GC-320	<i>Citation for Conservatorship and Proof of Service</i>
GC-348	<i>Duties of Conservator and Acknowledgment of Receipt of Handbook</i>
GC-350	<i>Letters of Conservatorship</i>
GC-380	<i>Petition for Exclusive Authority to Give Consent for Medical Treatment</i>
GC-385	<i>Order Authorizing Conservator to Give Consent for Medical Treatment</i>
MC-355	<i>Order to Deposit Money into Blocked Account</i>
MC-356	<i>Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account</i>
MC-357	<i>Petition for Withdrawal of Funds from Blocked Account</i>
MC-358	<i>Order for Withdrawal of Funds from Blocked Account</i>
MC-025	<i>Attachment [to be attached to any form]</i>

1. NOTICE is given that *(name)*:  
*(representative capacity, if any)*:  
has filed *(specify)*:
  
  
  
  
  
  
  
  
  
  
2. You may refer to the filed documents for further particulars. *(All of the case documents filed with the court are available for examination in the case file kept by the court clerk.)*
  
  
  
  
  
  
  
  
  
  
3. The petition includes an application for the independent exercise of powers under of the Probate Code section 2590. Powers requested are ☐ specified below ☐ specified in Attachment 3.

4. A HEARING on the matter will be held as follows:

a. Date: \_\_\_\_\_ Time: \_\_\_\_\_  Dept.: \_\_\_\_\_  Room: \_\_\_\_\_

b. Address of court ☐ same as noted above ☐ is (specify):

(Continued on reverse)



ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, state bar number, and address</i> ):  TELEPHONE AND FAX NOS.:  ATTORNEY FOR ( <i>Name</i> ): <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<b>FOR COURT USE ONLY</b>
ESTATE OF ( <i>Name</i> ):  <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> DECEDENT    <input type="checkbox"/> CONSERVATEE    <input type="checkbox"/> MINOR       </div>	CASE NUMBER:  Date of Death of Decedent or of Appointment of Guardian or Conservator:
<div style="text-align: center; font-weight: bold; margin-bottom: 10px;">INVENTORY AND APPRAISAL</div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> <b>Partial No.:</b>  <input type="checkbox"/> <b>Final</b>  <input type="checkbox"/> <b>Supplemental</b> </div> <div style="width: 45%;"> <input type="checkbox"/> <b>Corrected</b>  <input type="checkbox"/> <b>Reappraisal for Sale</b>  <input type="checkbox"/> <b>Property Tax Certificate</b> </div> </div>	

**APPRAISALS**

1. Total appraisal by representative, guardian, or conservator (Attachment 1):      \$
2. Total appraisal by referee (Attachment 2):      \$
- TOTAL: \$**

**DECLARATION OF REPRESENTATIVE, GUARDIAN, CONSERVATOR, OR SMALL ESTATE CLAIMANT**

3. Attachments 1 and 2 together with all prior inventories filed contain a true statement of  
☐ all    ☐ a portion    of the estate that has come to my knowledge or possession, including particularly all money and all just claims the estate has against me. I have truly, honestly, and impartially appraised to the best of my ability each item set forth in Attachment 1.
4. ☐ No probate referee is required    ☐ by order of the court dated (*specify*):
5. **Property tax certificate.** I certify that the requirements of Revenue and Taxation Code section 480
- a. ☐ are not applicable because the decedent owned no real property in California at the time of death.
- b. ☐ have been satisfied by the filing of a change of ownership statement with the county recorder or assessor of each county in California in which the decedent owned property at the time of death.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

..... (TYPE OR PRINT NAME; INCLUDE TITLE IF CORPORATE OFFICER) .....

\_\_\_\_\_  
 (SIGNATURE)

**STATEMENT ABOUT THE BOND**

(Complete if required by local court rule)

6. ☐ Bond is waived, or the sole fiduciary is a corporate fiduciary or an exempt government agency.
7. ☐ Bond filed in the amount of: \$      ☐ Sufficient    ☐ Insufficient
8. ☐ Receipts for: \$      have been filed with the court for deposits in a blocked account at (*specify institution and location*):

Date:

..... (TYPE OR PRINT NAME) .....

\_\_\_\_\_  
 (SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

(Continued on reverse)

ESTATE OF (Name): <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <span><input type="checkbox"/> DECEDENT</span> <span><input type="checkbox"/> CONSERVATEE</span> <span><input type="checkbox"/> MINOR</span> </div>	CASE NUMBER:
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### DECLARATION OF PROBATE REFEREE

9. I have truly, honestly, and impartially appraised to the best of my ability each item set forth in Attachment 2.
10. A true account of my commission and expenses actually and necessarily incurred pursuant to my appointment is

Statutory commission:     \$

Expenses (*specify*):         \$

**TOTAL:** \$

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

. . . . . (TYPE OR PRINT NAME)		_____ (SIGNATURE OF REFEREE)
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### INSTRUCTIONS

(See Probate Code sections 2610-2616, 8801, 8804, 8852, 8905, 8960, 8961, and 8963 for additional instructions.)

1. See Probate Code section 8850 for items to be included in the inventory.
2. If the minor or conservatee is or has been during the guardianship or conservatorship confined in a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services, mail a copy to the director of the appropriate department in Sacramento (Prob. Code, § 2611).
3. The representative, guardian, conservator, or small estate claimant shall list on Attachment 1 and appraise as of the date of death of the decedent or date of appointment of the guardian or conservator at fair market value moneys, currency, cash items, bank accounts and amounts on deposit with each financial institution (as defined in Probate Code section 40), and the proceeds of life and accident insurance policies and retirement plans payable upon death in lump sum amounts to the estate, except items whose fair market value is, in the opinion of the representative, an amount different from the ostensible value or specified amount.
4. The representative, guardian, conservator, or small estate claimant shall list in Attachment 2 all other assets of the estate which shall be appraised by the referee.
5. If joint tenancy and other assets are listed for appraisal purposes only and not as part of the probate estate, they must be separately listed on additional attachments and their value excluded from the total valuation of Attachments 1 and 2.
6. Each attachment should conform to the format approved by the Judicial Council (see *Inventory and Appraisal Attachment* (form DE-161, GC-041) and Cal. Rules of Court, rule 201).

ESTATE OF (Name):  
\_\_\_\_\_CASE NUMBER:  
\_\_\_\_\_**INVENTORY AND APPRAISAL  
ATTACHMENT NO.: \_\_\_\_\_**

*(In decedents' estates, attachments must conform to Probate  
Code section 8850(c) regarding community and separate property.)*

Page: \_\_\_\_\_ of: \_\_\_\_\_ total pages.  
*(Add pages as required.)*

<u>Item No.</u>	<u>Description</u>	<u>Appraised value</u>
1.		\$



NAME OF INSTITUTION: ADDRESS: CONTACT PERSON: TITLE: _____ TELEPHONE NO: _____		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF (Name):  <input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE		
<b>NOTICE OF TAKING POSSESSION OR CONTROL OF AN ASSET OF MINOR OR CONSERVATEE</b>		CASE NUMBER: _____

**NOTE TO INSTITUTION**

When a guardian or conservator of the estate of a person takes possession or control of an asset of that person held or controlled by an institution, Probate Code section 2890 requires the institution to file a statement with the court having jurisdiction over the guardianship or conservatorship and identified in the Letters of Guardianship or Letters of Conservatorship. The statement must contain the information specified below concerning the institution, the minor or conservatee, and the asset. The statement must be on this form and must be signed by an authorized officer of the institution.

An "institution" is an insurance company, broker, or agent, an investment company, an investment bank, a security broker-dealer, an investment advisor, a financial planner, a financial advisor, or any other person other than a financial institution. Taking possession or control of an asset includes changing title to the asset, withdrawing all or any portion of the asset, or transferring all or any portion of the asset from the institution.

**1. Personal information**

- a. Minor or conservatee (*name*):
- b. Guardian or conservator of the estate (*name each*):

**2. Institution information**

- a. Institution (*name and type*):
- b. Address:

**3. Asset information**

- a. Account, policy, or other identification number:
- b. Type of asset:
- c. Value or, if it is not known, the estimated value of the asset on the date Letters of Guardianship or Conservatorship were issued by the court to the guardian or conservator (*this information must be given to the extent it is routinely provided in statements from the institution to asset owners*):

4. The guardian or conservator presented Letters of Guardianship or Letters of Conservatorship that identify the guardian or conservator as the guardian or conservator of the estate of the person named above in item 1a.

5. I am an officer of the institution identified in this statement, and I am authorized to sign this statement on its behalf.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ (TYPE OR PRINT NAME)	_____ (AUTHORIZED SIGNATURE)
Title: _____	Telephone no.: _____

NAME OF INSTITUTION: ADDRESS: CONTACT PERSON: TITLE: _____ TELEPHONE NO: _____	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF <i>(Name):</i>  <div style="text-align: right;"><input type="checkbox"/> MINOR    <input type="checkbox"/> CONSERVATEE</div>	
<b>NO FILING FEE</b>	
<b>NOTICE OF OPENING OR CHANGING A GUARDIANSHIP OR CONSERVATORSHIP ACCOUNT OR SAFE DEPOSIT BOX</b>	
CASE NUMBER:	
<p style="text-align: center;"><b>NOTE TO FINANCIAL INSTITUTION</b></p> <p><b>When a guardian or conservator of the estate of a person opens or changes the name on an account or a safe deposit box in a "financial institution" (a bank, a trust, a savings and loan association, a savings bank, an industrial bank, or a credit union), Probate Code section 2892 requires the financial institution to file a statement with the court having jurisdiction over the guardianship or conservatorship and identified in the Letters of Guardianship or Letters of Conservatorship. The statement must contain the information specified below concerning the account or safe deposit box. The statement must be on this form and must be signed by an authorized officer of the financial institution.</b></p>	

**1. Account or safe deposit box information**

a. Financial institution *(name)*:

- (1) Branch:  
 (2) Branch address:  
 (3) Branch telephone no.:

b. Account status *(check one)*:

- (1) ☐ New account opened on *(date)*: \_\_\_\_\_ reflecting the guardianship or conservatorship.  
     (i) Account number:  
     (ii) Opening balance:
- (2) ☐ Existing account changed on *(date)*: \_\_\_\_\_ to reflect the guardianship or conservatorship.  
     (i) Name on account prior to change *(state each name)*:  
         (ii) Account number: Prior to change: \_\_\_\_\_ After change:  
         (iii) Balance of account immediately after change: \$

c. Name of person who opened new account or rented safe deposit box, or whose name was added to existing account or safe deposit box *(state each name)*:

- d. New safe deposit box number, or current number after change:  
 e. Describe each asset held in a safe deposit box, including any policy or other identification number:

**2. The guardian or conservator presented Letters of Guardianship or Letters of Conservatorship that identify the guardian or conservator as guardian or conservator of the estate of the ward or conservatee.**

**3. I am an officer of the financial institution identified in this statement, and I am authorized to sign this statement on its behalf.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

Title:

\_\_\_\_\_  
 (AUTHORIZED SIGNATURE)

Telephone no.:

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, state bar number, and address</i> ):   TELEPHONE AND FAX NOS.:  	<b>FOR COURT USE ONLY</b>
ATTORNEY FOR ( <i>Name</i> ): <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
ESTATE OF ( <i>Name</i> ):  <div style="text-align: center;"> <input type="checkbox"/> DECEDENT    <input type="checkbox"/> CONSERVATEE    <input type="checkbox"/> MINOR         </div>	
<b>REPORT OF SALE AND PETITION FOR ORDER CONFIRMING SALE OF REAL PROPERTY</b> <input type="checkbox"/> And Sale of Other Property Sold as a Unit	CASE NUMBER:  HEARING DATE:  DEPT.:                      TIME:

1. **Petitioner** (*name of each*):  
 is the ☐ executor                      ☐ special administrator                      ☐ purchaser (*30 days have passed since the sale—attach declaration*)  
           ☐ administrator with will annexed                      ☐ conservator  
           ☐ administrator                      ☐ guardian  
 of the estate and **requests a court order** for  
 a. confirmation of sale of the estate's interest in the real property described in Attachment 2e.  
 b. ☐ confirmation of sale of the estate's interest in other property sold as a unit as described in Attachment 2c.  
 c. ☐ approval of commission of (*specify*):                      % in the amount of: \$                      (*see local court rules*).  
 d. additional bond ☐ is fixed at: \$                      ☐ is not required.
2. **Description of property sold**  
 a. Interest sold  
    ☐ 100%    ☐ Undivided (*specify*):                      %  
 b. ☐ Improved  
    ☐ Unimproved  
 c. ☐ Real property sold as a unit with other property (*describe in Attachment 2c*).  
 d. Street address and location (*specify*):  
  
 e. Legal description is affixed as Attachment 2e (*attach*).
3. **Appraisal**  
 a. Date of death of decedent or appointment of conservator or guardian (*specify*):  
 b. Appraised value at above date: \$  
 c. Reappraised value within one year prior to the hearing: \$                      ☐ Amount includes value of other property sold as a unit. (*If more than one year has elapsed from date 3a to the date of the hearing, reappraisal is necessary.*)  
 d. Appraisal or reappraisal  
    ☐ has been filed.    ☐ will be filed.
4. **Manner and terms of sale**  
 a. Name of purchaser and manner of vesting title (*specify*):  
  
 b. ☐ Purchaser is ☐ the personal representative    ☐ the attorney for the personal representative.  
 c. Sale was ☐ private    ☐ public    on (*date*):  
 d. Amount bid: \$                      Deposit: \$  
 e. Payment  
    ☐ Cash    ☐ Credit (*see Attachment 4e*)  
 f. ☐ Other terms of sale (*see Attachment 4f*)  
 g. ☐ Mode of sale specified in will    ☐ petitioner requests relief from complying for the reasons stated in Attachment 4g.  
 h. ☐ Terms comply with Probate Code section 2542 (*guardianships and conservatorships only*)

(Continued on reverse)

ESTATE OF (Name):  	CASE NUMBER:  
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**5. Commission**

- a. ☐ Sale without broker
- b. ☐ A written ☐ exclusive ☐ nonexclusive contract for commission was entered into with (name):
- c. ☐ Purchaser was procured by (name):  
a licensed real estate broker who is not buying for his or her account.
- d. ☐ Commission is to be divided as follows:

**6. Bond**

- a. Amount before sale: \$ ☐ none
- b. Additional amount needed: \$ ☐ none
- c. ☐ Proceeds are to be deposited in a blocked account. Receipts will be filed. (Specify institution and location):

**7. Notice of sale**

- a. ☐ Published ☐ posted as permitted by Probate Code section 10301 (\$5,000 or less)
- b. ☐ Will authorizes sale of the property
- c. ☐ Will directs sale of the property

**8. Notice of hearing**

- |   |   |
|---|---|
| <p>a. Specific devisee</p> <p>(1) <input type="checkbox"/> None</p> <p>(2) <input type="checkbox"/> Consent to be filed</p> <p>(3) <input type="checkbox"/> Written notice will be given</p> <p>b. Special notice</p> <p>(1) <input type="checkbox"/> None requested</p> <p>(2) <input type="checkbox"/> Has been or will be waived</p> <p>(3) <input type="checkbox"/> Required written notice will be given</p> | <p>c. Personal representative</p> <p>(1) <input type="checkbox"/> Petitioner (none required)</p> <p>(2) <input type="checkbox"/> Consent to be filed</p> <p>(3) <input type="checkbox"/> Written notice will be given</p> |
|---|---|

**9. Reason for sale (need not complete if 7b or 7c checked)**

- a. ☐ Necessary to pay
- (1) ☐ debts
- (2) ☐ devises
- (3) ☐ family allowance
- (4) ☐ expenses of administration
- (5) ☐ taxes
- b. ☐ The sale is to the advantage of the estate and in the best interest of the interested persons.

**10. Formula for overbids**

- a. Original bid: \$ \_\_\_\_\_
- b. 10% of first \$10,000 of original bid: \$ \_\_\_\_\_
- c. 5% of (original bid minus \$10,000): \$ \_\_\_\_\_
- d. Minimum overbid (a + b + c): \$ \_\_\_\_\_

**11. Overbid.** Required amount of first overbid (see item 10): \$

**12. Petitioner's efforts** to obtain the highest and best price reasonably attainable for the property were as follows (specify activities taken to expose the property to the market, e.g., multiple listings, advertising, open houses, etc.):

13. Number of pages attached: \_\_\_\_\_

Date:

\* (Signature of all petitioners also required (Prob. Code, § 1020).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....  
(TYPE OR PRINT NAME)

.....  
(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY \*)



(SIGNATURE OF PETITIONER)



(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <input type="checkbox"/> RECORDING requested by and return to:          ATTORNEY FOR (Name):  <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:  ESTATE OF (Name):  <div style="text-align: center;"> <input type="checkbox"/> DECEDENT    <input type="checkbox"/> CONSERVATEE    <input type="checkbox"/> MINOR       </div>	TELEPHONE AND FAX NOS.:          <div style="text-align: center; font-weight: bold;">FOR RECORDER'S USE</div>
<div style="text-align: center; font-weight: bold;">ORDER CONFIRMING SALE OF REAL PROPERTY</div> <input type="checkbox"/> <b>And Confirming Sale of Other Property as a Unit</b>	CASE NUMBER:

FOR COURT USE ONLY

1. Hearing date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**THE COURT FINDS**

2. All notices required by law were given and, if required, proof of notice of sale was made.

3. a. ☐ Sale was authorized or directed by the will  
 b. ☐ Good reason existed for the sale  
     of the property commonly described as (street address or location): \_\_\_\_\_

4. The sale was legally made and fairly conducted.

5. The confirmed sale price is not disproportionate to the value of the property.

6. ☐ Private sale: The amount bid is 90% or more of the appraised value of the property as appraised within one year of the date of the hearing.

7. An offer exceeding the amount bid by the statutory percentages  
☐ cannot be obtained    ☐ was obtained in open court. The offer complies with all applicable law.

8. The personal representative has made reasonable efforts to obtain the highest and best price reasonably attainable for the property.

**THE COURT ORDERS**

9. The sale of the real property legally described ☐ on reverse    ☐ in Attachment 9  
☐ and other property sold as a unit described ☐ on reverse    ☐ in Attachment 9a  
 is confirmed to (name): \_\_\_\_\_  
  
 (manner of vesting title): \_\_\_\_\_  
  
 for the sale price of: \$ \_\_\_\_\_ on the following terms (use attachment or reverse if necessary): \_\_\_\_\_

10. The personal representative (name): \_\_\_\_\_  
 is directed to execute and deliver a conveyance of the estate's interest in the property described in item 9  
☐ and other property described in item 9    upon receipt of the consideration for the sale.

11. a. ☐ No additional bond is required.  
 b. ☐ Personal representative shall give an additional bond for: \$ \_\_\_\_\_, surety, or otherwise, as provided by law.  
 c. ☐ Net sale proceeds shall be deposited by escrow holder in a blocked account to be withdrawn only on court order.  
     Receipts shall be filed. (Specify institution and location): \_\_\_\_\_

12. a. ☐ No commission is payable.  
 b. ☐ A commission from the proceeds of the sale is approved in the amount of: \$ \_\_\_\_\_  
     to be paid as follows (specify): \_\_\_\_\_

13. Other (specify; use attachment or reverse if necessary): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
 JUDGE OF THE SUPERIOR COURT

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

14. Number of pages attached: \_\_\_\_\_

15. ☐ Legal description on reverse. (Continued on reverse)

ESTATE OF <i>(Name)</i> :  	CASE NUMBER:  
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16. ☐ **Legal description** of the ☐ real property ☐ personal property in item 9 (*describe*):

[SEAL]	<b>CLERK'S CERTIFICATE</b>
	<p>I certify that the foregoing <i>Order Confirming Sale of Real Property</i>, including any attached description of real or personal property, is a true and correct copy of the original on file in my office.</p> <p>Date: _____ CLERK, by _____, Deputy</p>

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):		TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
ATTORNEY FOR (Name):			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
ESTATE OF (Name): <div style="text-align: center;"> <input type="checkbox"/> DECEDENT   <input type="checkbox"/> CONSERVATEE   <input type="checkbox"/> MINOR         </div>			
<b>EX PARTE PETITION FOR AUTHORITY TO SELL SECURITIES AND ORDER</b>			CASE NUMBER:

1. **Petitioner** (name of each; see footnote<sup>1</sup> before completing):

is the ☐ personal representative   ☐ conservator   ☐ guardian   of the estate and requests a court order authorizing sale of estate securities.

2. a. The estate's securities described on the reverse should be sold for cash at the market price at the time of sale on an established stock or bond exchange, or, if unlisted, the sale will be made for not less than the minimum price stated on the reverse.
- b. ☐ Authority is given in decedent's will to sell property; **or**
- c. ☐ The sale is necessary to raise cash to pay
- (1) ☐ debts
  - (2) ☐ legacies
  - (3) ☐ family allowance
  - (4) ☐ expenses
  - (5) ☐ support of ward
  - (6) ☐ other (specify):
- d. ☐ The sale is for the advantage, benefit, and best interests of the estate, and those interested in the estate.
- e. Other facts pertinent to this petition are as follows:
- (1) ☐ Special notice has not been requested.
  - (2) ☐ Waivers of all special notices are presented with this petition.
  - (3) ☐ No security to be sold is specifically bequeathed.
  - (4) ☐ Other (specify):

Date:

\* (Signature of all petitioners also required (Prob. Code, § 1020).)

(SIGNATURE OF ATTORNEY \*)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

<sup>1</sup> Each personal representative, guardian, or conservator must sign the petition.

(Continued on reverse)

ESTATE OF (Name):	CASE NUMBER:
-------------------	--------------

### LIST OF SECURITIES

Number of shares or face value of bonds	Name of security	Name of exchange (when required by local rule)	Recent bid asked (when required by local rule)	Minimum selling price
--	------------------	--	---	-----------------------

### ORDER AUTHORIZING SALE OF SECURITIES

THE COURT FINDS the sale is proper.

#### THE COURT ORDERS

The ☐ personal representative ☐ guardian ☐ conservator is authorized to sell the securities described above upon the terms and conditions specified. Notice of hearing on the petition is dispensed with.

Date:

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT  
☐ SIGNATURE FOLLOWS LAST ATTACHMENT



- [249]

ESTATE OF (Name):  	CASE NUMBER:  
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**PROPERTY SOLD**

<u>Date of sale</u>	<u>Name of purchaser</u>	<u>Item sold</u>	<u>Sale price</u>	Appraised value (when required by local rule)
---------------------	--------------------------	------------------	-------------------	---

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**ORDER APPROVING SALE OF PERSONAL PROPERTY**

**THE COURT FINDS** the sale is proper.

**THE COURT ORDERS**

The ☐ personal representative ☐ guardian ☐ conservator is authorized to sell the property described above upon the terms and conditions specified. Notice of hearing on the petition is dispensed with.

Date:

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

☐ SIGNATURE FOLLOWS LAST ATTACHMENT



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):           TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
<input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____	
<b>PETITION TO FIX RESIDENCE OUTSIDE THE STATE OF CALIFORNIA</b>	CASE NUMBER: _____  HEARING DATE: _____  DEPT.: _____ TIME: _____

1. Petitioner (name):
  - a. ☐ is the guardian of ☐ the person ☐ the estate  
of (name): \_\_\_\_\_
  - b. ☐ is the conservator of ☐ the person ☐ the estate  
of (name): \_\_\_\_\_
  
2. Petitioner requests that the court authorize that the residence for the ☐ minor ☐ conservatee be fixed outside the State of California to the following location:
  - a. Physical address: \_\_\_\_\_
  - b. Telephone number(s), if known, of the:
    - (1) minor or conservatee (specify): \_\_\_\_\_
    - (2) guardian or conservator (specify): \_\_\_\_\_
  
3. The reasons for the out-of-state move are (specify): \_\_\_\_\_
  
- ☐ Continued on Attachment 3.
  
4. a. (1) ☐ Current visitation or contact orders are in effect that relate to the minor or conservatee. These orders were issued by Court: \_\_\_\_\_ Case number: \_\_\_\_\_  
 (2) Person(s) affected by order(s) are (name, address, and telephone number, if known): \_\_\_\_\_
  
- (3) ☐ These orders were modified on (date): \_\_\_\_\_ to accommodate this move.
- (4) ☐ There was a hearing pending on (date): \_\_\_\_\_ to modify the visitation or contact order.
- (5) ☐ The person(s) affected by the visitation or contact order consents to the move.  
 (Attach copies of all visitation and contact orders, or attach as Attachment 4a an explanation why you cannot provide copies of all such orders.)
  
- b. ☐ There are no visitation or contact orders.
  
5. a. ☐ The expected duration of the out-of-state move is more than four months, and the guardianship/conservatorship of the person or its equivalent will be commenced in the place of the new residence.
- b. ☐ The minor or conservatee will be returned to California by (date): \_\_\_\_\_  
 and this guardianship/conservatorship shall remain in full force and effect.
  
6. a. ☐ There is a ☐ guardianship ☐ conservatorship of the ESTATE, and  
☐ the guardianship or conservatorship of the estate or its equivalent shall be commenced in the place of the new residence.  
☐ the guardianship or conservatorship of the estate shall remain in California.
- b. ☐ There is no estate for the minor or conservatee.

(Continued on reverse)

<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP    OF (Name): _____	CASE NUMBER: _____
<input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE	

7. A request for special notice

- ☐ has not been filed  
☐ has been filed, and notice will be given to the following persons (*names and addresses*):

8. ☐ The names, residence addresses, and relationships of the father, mother, spouse, brothers, sisters, grandparents, and children of the **minor**, so far as known to the petitioner, are as follows:

Relationship and name

Residence address

a. Father:

b. Mother:

c. Grandparents:

d. Other (*specify*):

e. ☐ List of names and addresses continued in Attachment 8e.

9. ☐ The names, residence addresses, and relationships of the spouse and all relatives within the second degree of the proposed **conservatee** so far as known to petitioner are:

a. ☐ listed below    ☐ listed in Attachment 9a

b. ☐ not known, so relatives under Probate Code section 1821(b)(1)–(4) are ☐ listed below    ☐ listed in Attachment 9b

Relationship and name

Residence address

(1)

(2)

Date:



(SIGNATURE OF ATTORNEY \*)

\* (Signature of all petitioners also required (Prob. Code, § 1020).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(SIGNATURE OF PETITIONER)



(SIGNATURE OF PETITIONER)

### CONSENT TO OUT-OF-STATE MOVE

I consent to the request to fix the residence of the minor or conservatee outside the State of California and waive notice of the hearing on this petition.

Date:



(SIGNATURE)

Date:



(SIGNATURE)

Date:



(SIGNATURE)

☐ Additional signatures on attachment.

Minor must be 12 years of age to consent.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):           TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
<input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____	
<b>ORDER FIXING RESIDENCE OUTSIDE THE STATE OF CALIFORNIA</b>	CASE NUMBER: _____
	HEARING DATE: _____
	DEPT.: _____ TIME: _____

1. The petition to fix the residence of the

- ☐ minor (name): \_\_\_\_\_  
☐ conservatee (name): \_\_\_\_\_

came on for hearing as follows:

- a. Judge (name): \_\_\_\_\_  
 b. Hearing date: \_\_\_\_\_ Time: \_\_\_\_\_ ☐ Dept.: \_\_\_\_\_ ☐ Div.: \_\_\_\_\_ ☐ Room: \_\_\_\_\_  
 c. The following persons were present at the hearing:  
 (1) ☐ Petitioner (name): \_\_\_\_\_  
 (2) ☐ Attorney for Petitioner (name): \_\_\_\_\_  
 (3) ☐ Attorney for minor (name): \_\_\_\_\_  
 (4) ☐ Attorney for conservatee (name): \_\_\_\_\_  
 (5) ☐ Other (name): \_\_\_\_\_

#### THE COURT FINDS

2. a. All notices required by law have been given.  
 b. ☐ Notice of hearing to the following persons ☐ has been ☐ should be dispensed with (names): \_\_\_\_\_  
 c. ☐ Fixing the residence of the ☐ minor (name): \_\_\_\_\_  
    ☐ conservatee (name): \_\_\_\_\_  
    outside of the State of California is appropriate and in the best interests of that individual.  
 d. ☐ Other (specify): \_\_\_\_\_

#### THE COURT ORDERS

3. a. The residence of the ☐ minor (name): \_\_\_\_\_  
    ☐ conservatee (name): \_\_\_\_\_  
    shall be (address): \_\_\_\_\_  
 b. (1) ☐ The guardianship or conservatorship of the ☐ PERSON ☐ ESTATE or its equivalent shall be  
    commenced in the state of new residence ☐ within four months of the date of this order  
    ☐ no later than (date): \_\_\_\_\_  
 (2) ☐ The guardianship or conservatorship of the PERSON shall remain in California and the minor or conservatee shall be  
    returned to California no later than (date): \_\_\_\_\_  
 (3) ☐ The guardianship or conservatorship of the ESTATE shall remain in California.  
 c. ☐ Notice of hearing to the persons named in item 2b is dispensed with.  
 d. ☐ Other (specify; use attachment or reverse if necessary): \_\_\_\_\_

Date: \_\_\_\_\_

4. Number of pages attached: \_\_\_\_\_

\_\_\_\_\_  
 JUDGE OF THE SUPERIOR COURT  
☐ SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, state bar number, and address</i> ):  _____  ATTORNEY FOR ( <i>Name</i> ): <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	TELEPHONE AND FAX NOS.:	<b>FOR COURT USE ONLY</b>
TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF ( <i>Name</i> ):  <div style="text-align: right;"><input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE</div>		CASE NUMBER:
<b>LETTERS OF TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP</b> <div style="display: flex; justify-content: space-around;"> <span><input type="checkbox"/> Person</span> <span><input type="checkbox"/> Estate</span> </div>		

**LETTERS**

1. (*Name*):  
 is appointed temporary ☐ guardian  
☐ conservator of the ☐ person  
☐ estate of (*name*):
2. ☐ Other powers have been granted or restrictions imposed on the temporary  
☐ guardian ☐ conservator as  
☐ specified below ☐ specified in Attachment 2.
3. These *Letters* shall expire
  - a. ☐ on (*date*):  
 or upon earlier issuance of *Letters* to a general guardian or conservator.
  - b. ☐ other date (*specify*):
4. ☐ The temporary ☐ guardian ☐ conservator is not authorized to take possession of money or any other property without a specific court order.
5. Number of pages attached: \_\_\_\_\_

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)	Date:  Clerk, by  _____ (DEPUTY)
--------	---

**AFFIRMATION**
 I solemnly affirm that I will perform the duties of temporary  
☐ guardian ☐ conservator according to law.

 Executed on (*date*):

 at (*place*): \_\_\_\_\_, California.


(SIGNATURE OF APPOINTEE)

**CERTIFICATION**
 I certify that this document and any attachments is a correct copy of the original on file in my office, and that the *Letters* issued to the person appointed above have not been revoked, annulled, or set aside and are still in full force and effect.

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)	Date:  Clerk, by  _____ (DEPUTY)
--------	---

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):     TELEPHONE AND FAX NOS.:	<b>FOR COURT USE ONLY</b>
ATTORNEY FOR (Name): <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE    OF (Name):  <div style="text-align: right;">PROPOSED CONSERVATEE</div>	
<div style="text-align: center;"> <b>CITATION FOR CONSERVATORSHIP</b>  <input type="checkbox"/> Limited Conservatorship         </div>	
CASE NUMBER:	

THE PEOPLE OF THE STATE OF CALIFORNIA,

To (name):

1. You are hereby cited and required to appear at a hearing in this court

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
----------	-------	---------------------------------	--------------------------------

b. Address of court ☐ same as noted above ☐ is:

and to give any legal reason why, according to the verified petition filed with this court, you should not be found to be

☐ unable to provide for your personal needs    ☐ unable to manage your financial resources    and by reason thereof,  
 why the following person should not be appointed    ☐ conservator    ☐ limited conservator    of your    ☐ person  
☐ estate    (name):

2. A conservatorship of the person may be created for a person who is unable properly to provide for his or her personal needs for physical health, food, clothing or shelter. A conservatorship of the property (estate) may be created for a person who is unable to resist fraud or undue influence, or who is substantially unable to manage his or her own financial resources. "Substantial inability" may not be proved solely by isolated incidents of negligence or improvidence.
3. At the hearing a conservator may be appointed for your ☐ person ☐ estate. The appointment may affect or transfer to the conservator your right to contract, to manage and control your property, to give informed consent for medical treatment, to fix your place of residence, and to marry. You may also be disqualified from voting if you are found to be incapable of completing an affidavit of voter registration. The judge or the court investigator will explain to you the nature, purpose, and effect of the proceedings and answer questions concerning the explanation.
4. You have the right to appear at the hearing and oppose the petition. You have the right to hire an attorney of your choice to represent you. The court will appoint an attorney to represent you if you are unable to retain one. You must pay the cost of that attorney if you are able. You have the right to a jury trial if you wish.
5. (For limited conservatorship only) You have the right to oppose the petition in part by objecting to any or all of the requested duties or powers of the limited conservator.

Date:

Clerk, by \_\_\_\_\_, Deputy

(SEAL)

(Proof of service on reverse)



CONSERVATORSHIP OF (Name):

CASE NUMBER:

PROPOSED CONSERVATEE

**PROOF OF SERVICE  
(Citation for Conservatorship)**

1. At the time of service I was at least 18 years of age and not a party to this proceeding, and **I served copies** of the citation and petition as follows:
2. a. Person cited (name):  
b. Person served: ☐ person in item 2a ☐ other (specify name and title or relationship to the person named in item 2a):  
  
c. Address (specify):  
  
3. I served the person named in item 2  
a. ☐ **by personally delivering** the copies (1) on (date): (2) at (time):  
b. ☐ **by leaving** the copies with or in the presence of (name and title or relationship to person indicated in item 2b):  
  
(1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him or her of the general nature of the papers.  
(2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the person served. I informed him or her of the general nature of the papers.  
(3) on (date): (4) at (time):  
(5) ☐ A **declaration of diligence** is attached. (Substituted service on natural person, minor, conservatee, or candidate.)  
c. ☐ **by mailing** the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,  
(1) on (date): (2) from (city):  
(3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed form.)  
(4) ☐ to an address outside California with return receipt requested. (Attach completed form.)  
d. ☐ **by causing copies to be mailed.** A declaration of mailing is attached.  
e. ☐ **other** (specify other manner of service and authorizing code section):  
  
4. a. **Person serving** (name, address, and telephone number): b. **Fee** for service: \$  
c. ☐ Not a registered California process server.  
d. ☐ Exempt from registration under Business & Professions Code section 22350(b).  
e. ☐ Registered California process server.  
(1) ☐ Employee or independent contractor  
(2) Registration No. (specify):  
(3) County (specify):  
(4) Expiration (date):  
  
5. ☐ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
6. ☐ **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date:



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CONSERVATORSHIP OF (Name): _____  <div style="text-align: right;">CONSERVATEE</div>	
<div style="text-align: center;"> <b>DUTIES OF CONSERVATOR and Acknowledgment of Receipt of Handbook</b> </div>	CASE NUMBER: _____

## DUTIES OF CONSERVATOR

When you are appointed by the court as a conservator, you become responsible to the court and assume certain duties and obligations. All of your actions as conservator are subject to review by the court. An attorney is best qualified to advise you about these matters. You should clearly understand the information on this form. You will find additional information in the **Judicial Council *Handbook for Conservators***, which you are required by law to possess.

### I. THE CONSERVATEE'S RIGHTS

A conservatee does not lose all rights or all voice in important decisions affecting his or her way of life. All conservatees have the right to be treated with understanding and respect, the right to have their wishes considered, and the right to be well cared for by you. A conservatee generally keeps the right to (1) control his or her own salary, (2) make or change a will, (3) marry, (4) receive personal mail, (5) be represented by a lawyer, (6) ask a judge to change conservators, (7) ask a judge to end the conservatorship, (8) vote, unless a judge decides the conservatee is not capable of exercising this right, (9) control personal spending money, if a judge has authorized an allowance, and (10) make his or her own medical decisions, unless a judge has taken away that right and given it to you. Ask your attorney what rights the conservatee does not have and consult your attorney when you are in doubt.

### II. CONSERVATOR OF THE PERSON

If the court appoints you as conservator of the person, you will arrange for the conservatee's care and protection, decide where the conservatee will live, and make arrangements for the conservatee's health care, meals, clothing, personal care, housekeeping, transportation, and recreation.

#### 1. ASSESS THE CONSERVATEE'S NEEDS

You must assess the conservatee's needs and decide how to meet them.

#### 2. DECIDE WHERE THE CONSERVATEE WILL LIVE

You may decide where the conservatee will live, but you must choose the "least restrictive," appropriate living situation that is safe and comfortable and allows the conservatee as much independence as possible. You must not move the conservatee from the state or place the conservatee involuntarily in a mental health treatment facility without permission of the court. You must notify the court of each change of the conservatee's address and your address. If you are authorized to place the conservatee in a secure facility because of dementia, you must be sure that the placement is appropriate, meets all special needs, and is the least restrictive.

#### 3. PROVIDE MEDICAL CARE TO THE CONSERVATEE

You are responsible for ensuring that the conservatee's health needs are met. You may not, however, give or withhold consent for medical treatment over the conservatee's objection **unless** the court has given you exclusive authority to consent because the conservatee has lost the ability to make sound medical choices. If you have the authority to approve the use of psychotropic medications to treat dementia and the behaviors associated with it, you should be sure that other, less intrusive treatment options are explored first.

## II. CONSERVATOR OF THE PERSON (*continued*)

### 4. WORK WITH THE CONSERVATOR OF THE ESTATE

If someone else is handling the conservatee's assets, the two of you must work together to be sure the conservatee can afford the care you arrange. Purchases you make for the conservatee must be approved by the conservator of the estate or you may not be reimbursed.

### 5. CONSULT YOUR ATTORNEY AND OTHER RESOURCES

Your attorney will advise you on your duties, the limits of your authority, the rights of the conservatee, and your dealings with the court. If you have legal questions, check with your attorney, not the court staff. Other questions may be answered better and less expensively by calling on local community resources. (To find these resources, see the *Handbook for Conservators* and the local supplement distributed by the court.)

## III. CONSERVATOR OF THE ESTATE

If the court appoints you as conservator of the estate, you will manage the conservatee's finances, protect the conservatee's income and assets, make an inventory of the conservatorship estate's assets, develop a working plan to ensure that the conservatee's needs are met, make sure the conservatee's bills are paid, invest the conservatee's money, see that the conservatee is receiving all the income and benefits he or she is entitled to, ensure that tax returns are filed on time, keep accurate financial records, and regularly report your financial accounts to the court. (Note: The assets and finances of the conservatee are known as "the estate.")

### 1. MANAGING THE ESTATE'S ASSETS

#### a. Prudent investments

You must manage the estate assets with the care of a prudent person dealing with someone else's property. This means you must be cautious and you may not make any speculative investments.

#### b. Keep estate assets separate from anyone else's

You must keep the money and property in this estate separate from anyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is a *conservatorship* account and not your personal account. Never deposit estate funds in your personal account or otherwise mix them with your or anyone else's property, even for brief periods. Securities in the estate must be held in a name that shows they are estate property and not your personal property.

#### c. Interest-bearing accounts and other investments

Except for checking accounts intended for ordinary administration expenses, estate accounts must earn interest. You may deposit estate funds in insured accounts in financial institutions, but you should not put more than \$100,000 in one institution. Consult with an attorney before making other kinds of investments.

#### d. Other restrictions

There are many other restrictions on your authority to deal with estate assets. Without prior order of the court, you may not pay fees to yourself or to your attorney, make a gift of estate assets, or borrow from the estate. If you do not obtain the court's permission when it is required, you may be removed as conservator or you may be required to reimburse the estate from your own personal funds, or both. You should consult with an attorney concerning the legal requirements affecting sales, leases, mortgages, and investments of estate property.

### 2. INVENTORY OF ESTATE PROPERTY

#### a. Locate the estate's property

You must locate, take possession of, and protect all the conservatee's income and assets that will be administered in the estate. You should change the ownership of most assets of the conservatorship into the conservatorship estate's name. For real estate, you must record a copy of your *Letters of Conservatorship* with the county recorder in each county where the conservatee owns real property.

#### b. Determine the value of the property

You must arrange to have a court-appointed referee determine the value of the property unless the appointment is waived by the court. You, rather than the referee, must determine the value of certain "cash items." An attorney can advise you about how to do this.

#### c. File an inventory and appraisal

Within 90 days after your appointment as conservator, you must file with the court an inventory and appraisal of all the assets in the estate.

CONSERVATORSHIP OF (Name):  	CASE NUMBER:  
CONSERVATEE	

### III. CONSERVATOR OF THE ESTATE (*continued*)

#### 3. INSURANCE

You should determine that there is appropriate and adequate insurance covering the assets and risks of the estate. Maintain the insurance in force during the entire period of the administration (except for assets after they are sold).

#### 4. RECORD KEEPING

##### a. Keep an accounting

You must keep complete and accurate records of each financial transaction affecting the estate. The checkbook for the conservatorship checking account is your indispensable tool for keeping records of income and expenditures. You will have to prepare an accounting of all money and property you have received, what you have spent, the date of each transaction, and its purpose. You must describe in detail what you have left after you pay the estate's expenses.

##### b. Court review of your records

You must file a petition requesting that the court review and approve your accounting one year after your appointment and at least every two years after that. Save your receipts because the court may ask to review them also. If you do not file your accountings as required, the court will order you to do so. You may be removed as conservator if you fail to comply.

#### 5. CONSULTING AN ATTORNEY

Your attorney will advise you and help prepare your inventories, accountings, and petitions to the court. If you have questions, check with your attorney, not the court staff. You should cooperate with your attorney at all times. **When in doubt, contact your attorney.**

### IV. DUTY TO DISCLOSE

If you are the spouse of the conservatee, you must disclose to the court the filing of any action or proceeding against the conservatee for (1) legal separation, (2) dissolution of marriage, (3) annulment, or (4) adjudication of nullity of marriage. The disclosure must be made within 10 days of the initial filing of the action or proceeding by filing a notice with the court and serving notice according the Probate Code.

### V. LIMITED CONSERVATOR (for the developmentally disabled only)

#### 1. AUTHORITY SPECIFIED IN YOUR LETTERS

If the court appoints you as limited conservator, you will have authority to take care of **only** those aspects of the conservatee's life and financial affairs specified in your *Letters of Conservatorship* and the court's order appointing you. The conservatee retains all other legal and civil rights. Although most of the information provided in this form also applies to limited conservatorships (especially the duties of the conservator of the person), you should clarify with your attorney exactly which information applies in your case.

#### 2. DUTY TO HELP CONSERVATEE DEVELOP SELF-RELIANCE

You must secure treatment, services, and opportunities that will assist the limited conservatee to develop maximum self-reliance and independence. This assistance may include training, education, medical and psychological services, social opportunities, vocational opportunities, and other appropriate help.

### VI. TEMPORARY CONSERVATOR

If the court appoints you as temporary conservator, you will generally have the same duties and authority as general conservators **except** the conservatorship will end on the date specified in your *Letters of Temporary Conservatorship*. Most of the information in this form also applies to temporary conservatorships, but you must consult your attorney about which duties you will **not** perform because of the limited time. A temporary conservator should avoid making long-term decisions or changes that could safely wait until a general conservator is appointed. As temporary conservator, you may not move a conservatee from his or her home or sell or give away the conservatee's home or any other assets without court approval.

**Sign the *Acknowledgment of Receipt* on page four.**

CONSERVATORSHIP OF (Name):

CASE NUMBER:

CONSERVATEE

**ACKNOWLEDGMENT OF RECEIPT**  
*of Duties of Conservator and Handbook for Conservators*  
(Probate Code, § 1834)

1. I have petitioned the court to be appointed as conservator.
2. I acknowledge that I have received this statement of the duties and liabilities of the office of conservator (*Duties of Conservator* form) and the *Handbook for Conservators* adopted by the Judicial Council.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
(SIGNATURE OF PETITIONER)

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
(SIGNATURE OF PETITIONER)

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
(SIGNATURE OF PETITIONER)

**NOTICE**

**This statement of duties and liabilities is a summary and is not a complete statement of the law. Your conduct as a conservator is governed by the law itself and not by this summary or by the Judicial Council *Handbook for Conservators*. When in doubt, consult your attorney.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <input type="checkbox"/> IF RECORDED RETURN TO:    ATTORNEY FOR (Name): <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: CONSERVATORSHIP OF (Name):  <div style="text-align: right;">CONSERVATEE</div>	TELEPHONE AND FAX NOS.:      <b>FOR RECORDER'S USE ONLY</b>
<div style="text-align: center;"><b>LETTERS OF CONSERVATORSHIP</b></div> <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Limited Conservatorship	CASE NUMBER:
1. <input type="checkbox"/> (Name): _____ is the appointed <input type="checkbox"/> conservator <input type="checkbox"/> limited conservator of the <input type="checkbox"/> person <input type="checkbox"/> estate of (name): 2. <input type="checkbox"/> (For conservatorship that was on December 31, 1980, a guardianship of an adult or of the person of a married minor) (Name): was appointed the guardian of the <input type="checkbox"/> person <input type="checkbox"/> estate by order dated (specify): _____ and is now the conservator of the <input type="checkbox"/> person <input type="checkbox"/> estate of (name): 3. <input type="checkbox"/> Other powers have been granted or conditions imposed as follows: a. <input type="checkbox"/> Exclusive authority to give consent for and to require the conservatee to receive medical treatment that the conservator in good faith based on medical advice determines to be necessary even if the conservatee objects, subject to the limitations stated in Probate Code section 2356. (1) <input type="checkbox"/> This treatment shall be performed by an accredited practitioner of the religion whose tenets and practices call for reliance on prayer alone for healing of which the conservatee was an adherent prior to the establishment of the conservatorship. (2) <input type="checkbox"/> (If court order limits duration) This medical authority terminates on (date): b. <input type="checkbox"/> Authority to place conservatee in a care or nursing facility described in Probate Code section 2356.5(b). c. <input type="checkbox"/> Authority to authorize the administration of medications appropriate for the care and treatment of dementia described in Probate Code section 2356.5(c). d. <input type="checkbox"/> Powers to be exercised independently under Probate Code section 2590 as specified in Attachment 3d (specify powers, restrictions, conditions, and limitations). e. <input type="checkbox"/> Conditions relating to the care and custody of the property under Probate Code section 2402 as specified in Attach- ment 3e. f. <input type="checkbox"/> Conditions relating to the care, treatment, education, and welfare of the conservatee under Probate Code section 2358 as specified in Attachment 3f. g. <input type="checkbox"/> (For limited conservatorship only) Powers of the limited conservator of the person under Probate Code section 2351.5 as specified in Attachment 3g. h. <input type="checkbox"/> (For limited conservatorship only) Powers of the limited conservator of the estate under Probate Code section 1830(b) as specified in Attachment 3h. i. <input type="checkbox"/> Other (specify):  <div style="border: 1px solid black; width: 150px; height: 100px; margin-left: 40px; position: relative;"> <div style="position: absolute; top: 5px; left: 5px;">(SEAL)</div> </div> 4. <input type="checkbox"/> The conservator is <b>not</b> authorized to take possession of money or any other property without a specific court order. 5. Number of pages attached: _____  WITNESS, clerk of the court, with seal of the court affixed.  Date:	<b>FOR COURT USE ONLY</b>

Clerk, by \_\_\_\_\_, Deputy  
 (Continued on reverse)

This form may be recorded as notice of the establishment of a conservatorship of the estate as provided in Probate Code section 1875.

CONSERVATORSHIP OF *(Name)*:

CASE NUMBER:

CONSERVATEE

## LETTERS OF CONSERVATORSHIP

### AFFIRMATION

I solemnly affirm that I will perform according to law the duties of ☐ conservator ☐ limited conservator.

Executed on *(date)*: \_\_\_\_\_, at *(place)*: \_\_\_\_\_



\_\_\_\_\_  
(SIGNATURE OF APPOINTEE)

### CERTIFICATION

I certify that this document and any attachments is a correct copy of the original on file in my office, and that the letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

Date:

Clerk, by \_\_\_\_\_, Deputy

(SEAL)



- (Continued on reverse)



CONSERVATORSHIP OF (Name): <div style="border-bottom: 1px solid black; height: 20px; width: 100%;"></div>	CASE NUMBER: <div style="border-bottom: 1px solid black; height: 20px; width: 100%;"></div>
CONSERVATEE	

5. ATTENDANCE AT THE HEARING **Conservatee**

- a. ☐ will attend the hearing.
- b. ☐ is able but unwilling to attend the hearing AND ☐ does ☐ does not wish to contest this petition.
- c. ☐ is unable to attend the hearing because of medical inability. An affidavit or certificate of a licensed medical practitioner or an accredited religious practitioner is affixed as Attachment 5c.
- d. ☐ is not the petitioner, is out of state, and will not attend the hearing.

6. **Special notice** ☐ has ☐ has not been requested. (Specify the names and addresses of persons requesting special notice in Attachment 6.)

7. ☐ Filed with this petition is a proposed *Order Appointing Court Investigator* (form GC-330) that specifies the duties to be performed before granting an order relating to medical consent.

8. The names, residence addresses, and relationships of the spouse and all relatives within the second degree of the conservatee so far as known to petitioner are ☐ listed below ☐ listed in Attachment 8.

	Relationship and name	Residence address
a. Spouse:		
b.		

9. Number of pages attached: \_\_\_\_\_

Date:

\*(Signature of all petitioners also required (Prob. Code, § 1020).)



(SIGNATURE OF ATTORNEY \*)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....  
(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

.....  
(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):       ATTORNEY FOR (Name): <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	TELEPHONE AND FAX NOS.:	<b>FOR COURT USE ONLY</b>
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name):   <div style="text-align: right;">CONSERVATEE</div>		CASE NUMBER:
<b>ORDER AUTHORIZING CONSERVATOR TO GIVE CONSENT FOR MEDICAL TREATMENT</b>		

1. The petition for authority to give consent for medical treatment came on for hearing as follows (*check items c, d, e, and f to indicate personal presence*):
- a. Judge (name): \_\_\_\_\_
- b. Hearing date: \_\_\_\_\_ Time: \_\_\_\_\_ ☐ Dept.: \_\_\_\_\_ ☐ Div.: \_\_\_\_\_ ☐ Room: \_\_\_\_\_
- c. ☐ Petitioner (name): \_\_\_\_\_
- d. ☐ Attorney for petitioner (name): \_\_\_\_\_
- e. ☐ Attorney for conservatee (name, address, and telephone): \_\_\_\_\_
- f. Conservatee was ☐ present ☐ unable to attend ☐ able but unwilling to attend and does not wish to contest the petition ☐ out of state.

#### THE COURT FINDS

2. a. All notices required by law have been given.
- b. ☐ There is no form of medical treatment for which the conservatee has the capacity to give informed consent.
- c. ☐ Conservatee is an adherent of a religion that relies on prayer alone for healing as defined in Probate Code section 2355(b).
- d. ☐ Attorney (name): \_\_\_\_\_ has been appointed by the court as legal counsel to represent the conservatee in this proceeding. The cost for representation is: \$ \_\_\_\_\_
- e. ☐ Conservatee has dementia as defined in Probate Code section 2356.5, and the court finds all other facts required to make the orders specified in item 4.

#### THE COURT ORDERS

3. a. ☐ Conservatee lacks the capacity to give informed consent for medical treatment and the conservator of the person is granted the powers specified in Probate Code section 2355.
- b. ☐ The treatment shall be performed by an accredited practitioner of the religion defined in Probate Code section 2355(b).
- c. ☐ The order dated: \_\_\_\_\_ made under Probate Code section 1880 is ☐ revoked ☐ modified ☐ as stated below ☐ as stated in Attachment 3c.
- d. ☐ For legal services rendered, ☐ conservatee ☐ conservatee's estate shall pay to (name): \_\_\_\_\_ the sum of: \$ \_\_\_\_\_ ☐ forthwith ☐ as follows (*specify terms*): \_\_\_\_\_
- e. ☐ Other (*specify*): \_\_\_\_\_
- f. *Letters of Conservatorship* shall reissue and include a statement that conservator has the powers ordered.
- g. ☐ This order shall terminate on (date): \_\_\_\_\_
4. a. ☐ The conservator of the person is granted authority to place conservatee in a care or nursing facility described in Probate Code section 2356.5(b).
- b. ☐ The conservator of the person is granted authority to authorize the administration of medications appropriate for the care and treatment of dementia described in Probate Code section 2356.5(c).

5. Total boxes checked in items 2-4: \_\_\_\_\_

6. Number of pages attached: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

- Code of Civil Procedure, § 372 ;  
Probate Code, § 3600 et seq.;  
Rules of Court, rules 378 and 7.953

1. I acknowledge receipt of the *Order to Deposit Money Into Blocked Account*, a copy of which is attached.
2. The account described below in which funds have been deposited under the court's order is a federally insured, blocked account.
3. Name and title on the account:
4. Name of depository:
  - a. Branch:
  - b. Address:
5. Account number:
6. Date account opened:
7. Amount of initial deposit: \$
8. Present balance: \$

Title: \_\_\_\_\_



CASE NAME:	CASE NUMBER:
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6. e. Previous withdrawals from this account (*select one*):

- (1) ☐ None.  
(2) ☐ As follows:  
(a) Amount: \$  
(b) Date:  
(c) Purpose:

- ☐ Additional withdrawals from this account described in Attachment 6e.  
☐ Continued (*provide information relating to each additional account from which funds are to be withdrawn on a separate attachment designated as Attachment 6*).

7. Amount of funds to be disbursed under this petition:

- a. ☐ Balance of account or accounts.  
b. ☐ Other (*specific total amount to be disbursed*): \$

8. Reasons for disbursement of funds:

- a. ☐ Minor has attained the age of 18 years or older, and this is a final distribution.  
b. ☐ Other (*describe*):

9. Payee to whom funds will be distributed:

a. Payee (*name*):

- (1) Address:  
(2) Amount: \$  
(3) Purpose:

b. Payee (*name*):

- (1) Address:  
(2) Amount: \$  
(3) Purpose:

c. Payee (*name*):

- (1) Address:  
(2) Amount: \$  
(3) Purpose:

d. Payee (*name*):

- (1) Address:  
(2) Amount: \$  
(3) Purpose:

- ☐ Continued (*if there are additional payees, make a list and attach it to this petition as Attachment 9*).

10. Number of pages attached: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF PETITIONER)  
☐ SIGNATURE FOLLOWS LAST ATTACHMENT

- [271]

SHORT TITLE:  	CASE NUMBER:  
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1	<b>ATTACHMENT</b> (Number): _____	Page ____ of ____
2	(This Attachment may be used with any Judicial Council form.)	(Add pages as required)
3		
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27	(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)	